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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A. No.1867/1990.

New Delhi, dated this 21st day of September 1994.

HON'BLE MR. P.T. THIRUVENGADAM, MEMBER (A)

HON'BLE MR. T.L. VERMA, MEMBER (J)

Shri Gaje Singh Negi,
S/o Late Shri B.S. Negi,
Working as Assistant Manager (Technical)
Government of India Press,
Mayapuri, New Delhi, and
R/o Flat No.3(Type IV), Staff Colony,
Maya Puri,
New Delhi.

... Applicant.

By Advocate: None.

Versus

1. Union of India, through the
Secretary,
Ministry of Urban Development,
'A' Wing, Nirman Bhavan,
New Delhi.

2. The Director of Printing,
Directorate of Printing,
'B' Wing, Nirman Bhavan,
New Delhi.

... Respondents.

By Advocate: Shri M.K. Gupta.

ORDER (Oral)

Hon'ble Mr. P.T. Thiruvengadam.

The application was filed in September 1990. The applicant was functioning as Overseer in the Office of the Directorate of Printing. He was appointed to officiate in ~~the~~ Group 'B' as Assistant Manager (Technical) with effect from 24.7.1989. This promotion was based on the DPC proceedings held on ^{11th} April 1989. Subsequently, vide order dated 14.9.1990 (Annexure-1 to reply), the applicant was reverted to the post of Overseer. This OA has been filed with a prayer ^{for a} direction to confirm the applicant in the cadre of Assistant Manager (Technical) with effect from the date

of his promotion i.e. 24.7.1989 and for restraining the respondents from reverting the applicant to the post of Overseer without following the due process of law.

2. None appeared on behalf of the applicant. Since this is an old case, we propose to dispose of the same based on the arguments advanced by the learned counsel for the respondent. We also perused the records that are available. During the course of hearing, the learned counsel for the respondents stated that the Departmental Promotion Committee meeting was held on 11.4.1989 and as per the earlier instruction of Department of Personnel dated 26.3.1980 (Annexure-5 to the reply), the officers placed in the select list were put in different categories viz. outstanding, very good and good, and within each category inter se seniority of the Officers was observed. The Department of Personnel had issued Memorandum dated 10.3.1989 revising the norms for empanelment and the revised instructions were effective from 1.4.1989. As per the revised guidelines for promotion to Group 'B' post, Bench-mark of Good had to be passed by those to be empanelled and all Officers, whose over-all grading is equal to or better than the Bench-mark are to be included in the panel for promotion and are to be arranged in the order of their inter-se seniority in the lower grade. In other words the advantage which one could obtain by virtue of a better gradation of Very good / outstanding was done away with. Apparently, the revised instructions, which are to be effective from 1.4.89, ^{not} was within the knowledge of the DPC and the applicant, who was categorised as very good was placed in the panel above some of his seniors, who had obtained only a good grading.

The Department constituted a review DPC to review the earlier proceedings held in April 1989. This subsequent review DPC had to re-arrange the eligible candidates, which resulted in the applicant being pushed down. The respondents have explained that this has happened not only in the case of the applicant but also in the case of a few others. As a follow up, the applicant had to be reverted. It was mentioned by the learned counsel for the respondent that the applicant was subsequently promoted as per his correct DPC position.

3. We note that the second relief claimed by the applicant for restraining the respondent from reverting the applicant has become infructuous, since the applicant has already been promoted to the post of Assistant Manager.

4. As regards the main relief that the applicant should be deemed to have been promoted with effect from 24.7.1989, we are convinced that the review DPC has been correctly constituted to cure the deficiency in the earlier DPC of April 1989. The revised instructions issued by DOP dated 10.3.1989 clearly stipulated that these instructions would be effective from 1.4.1989. In view of this, the action of the respondents cannot be faulted.

5. In the circumstances, the OA is dismissed. There is no order as to cost.

T.L. Verma
(T.L. VERMA)
MEMBER (J)

P.T. Thiruvengadam
(P.T. THIRUVENGADAM)
MEMBER (A)

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